



0410 8/21

Pat. for Retro #24

Docket No. ODS/025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masood Garahi, et al.
For : SYSTEMS AND METHODS FOR PLACING
PARIMUTUEL WAGERS ON FUTURE EVENTS
Filed : April 2, 2001
Application No.: 09/825,537

Hon. Commissioner for Patents
Washington, D.C. 20231

Attention: Security Group
Licensing Review

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PETITION FOR RETROACTIVE LICENSE
UNDER 35 U.S.C. § 184 AND 37 C.F.R. §§ 5.14(a) AND 5.25

Sir:

Petitioners, Masood Garahi et al., respectfully request a retroactive license under 35 U.S.C. § 184 for this patent application, which, through error and without deceptive intent, was filed in Malaysia on April 4, 2001 without a foreign filing license.

An explanation detailing why the application was filed through error and without deceptive intent is found in the enclosed Declaration in Support of Petition for Retroactive License under 35 U.S.C. § 184.

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EI125456978US

This application claims the benefit of U.S. Provisional Patent Application No. 60/194,799, filed April 5, 2000 and was therefore to be filed by April 5, 2001.

On April 2, 2001, instructions were sent via facsimile to Henry Goh & Co. (our associate in Malaysia) to file counterpart application in Malaysia by April 5, 2001.

On the same day, Henry Goh & Co. was further instructed with respect to the earlier facsimile instructions to not file the application until April 5, 2001 because we were awaiting a foreign filing license to be granted.

On April 3, 2001, a Petition for an Expedited Foreign Filing License for ODS/025 was sent via Fed-Ex to Cantwell & Paxton in Arlington, Virginia for hand-delivery and filing with the Security Group of the Licensing Review of the U.S. Patent and Trademark Office.

Henry Goh & Co. filed the counterpart application in Malaysia on August 4, 2001.

A foreign filing license in connection with the subject matter of the above-identified application was granted on April 5, 2001.

Applicants did not have any intent to file the application on April 4, 2001 without a foreign filing license. Henry Goh & Co. filed the application on April 4,

2001 without our authorization and contrary to our explicit instructions. Accordingly, the filing was without deceptive intent because Applicants did not even intend to file the application in Malaysia on that day. The filing in Malaysia on April 4, 2001 occurred through error because Henry Goh & Co. made a mistake in filing the application without following our explicit instructions to not file the application until April 5, 2001.


Accordingly, this application was filed in Malaysia, through error and without deceptive intent.

A retroactive license is permitted to be granted when the subject matter of the application does not fall within the scope of 35 U.S.C. § 181. The subject matter of this application is unrelated to public safety, national defense, or national interests. The subject matter of this patent application is related to parimutuel wagering on future events. Parimutuel wagering is a betting pool that is typically used to allow wagerers to place bets on events. The subject matter of this application is particularly related to displaying future horse race listings to wagerers for the purpose of engaging in parimutuel wagering. Petitioners do not believe that the foreign filing of the attached application is detrimental to public safety or to

the national interest or defense. The application does not disclose an invention within the scope of 35 U.S.C. § 181.

The Director is authorized to charge the \$130.00 fee for this Petition to Deposit Account No. 06-1075. The Director is also authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17, or credit any overpayment of same to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



James A. Leiz
Reg. No. 46,109
Agent for Applicants

FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
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Enclosures



Docket No. ODS/025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masood Garahi, et al.
For : SYSTEMS AND METHODS FOR PLACING
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DECLARATION IN SUPPORT OF PETITION
FOR RETROACTIVE LICENSE UNDER 35 U.S.C. § 184

I, David Toma, hereby declare as follows:

Upon information and belief, on April 5, 2000,
U.S. Provisional Application No. 60/194,799, which will be
referred to hereinafter as ODS/025 Prov., was filed with the
United States Patent and Trademark Office.

Upon information and belief, a foreign filing
license directed to the subject matter of ODS/025 Prov. was
granted on May 19, 2000.

I was assigned to assist James Leiz to prepare a
nonprovisional application (hereinafter, ODS/025) based on
ODS/025 Prov.

Upon information and belief, in February 2001, the
owner of ODS/025 Prov. authorized ODS/025 to be filed in

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Malaysia before the expiration of ODS/025 Prov. on April 5, 2001.

On Monday April 2, 2001, instructions were sent via facsimile to Henry Goh & Co. (our foreign contact in Malaysia) to file the application, claiming the benefit of, ODS/025 Prov. and the above-identified Patent Application, ODS/025, by April 5, 2001. Please see enclosed letter.

Also on Monday April 2, 2001, the facsimile instructions were confirmed via telephone and Henry Goh & Co. was further instructed via telephone to not file the application until April 5, 2001 because we were awaiting a foreign filing license to be granted.

On Tuesday, April 3, 2001, a Petition for an Expedited Foreign Filing License for ODS/025 was sent via Fed-Ex to Cantwell & Paxton in Arlington, Virginia for hand-delivery and filing with the Security Group of the Licensing Review of the U.S. Patent and Trademark Office.

Upon information and belief, on Wednesday, April 4, 2001, the Petition was filed with the Security Group. The Petition informed the U.S. Patent and Trademark Office of the subject matter of ODS/025 and the countries (e.g., Malaysia) for which foreign filing licenses were desired. A foreign filing license in connection with the subject matter of the above-identified application was granted on April 5, 2001. Please see enclosed License for Foreign Filing.

On Wednesday April 4, 2001 the Malaysian patent application was filed. I was informed of the date of the filing in a letter from Henry Goh & Co. dated April 19, 2001. Please see enclosed letter.

Since May 1, 2001, when I first noticed from the April 19, 2001 letter from Henry Goh & Co. that the application was filed a day earlier than instructed, I have been involved in determining the status of the application, researching and investigating the law covering foreign filing licenses, considering a petition for a retroactive license, and preparing a petition for a retroactive license. I have researched and worked on these issues since May 1, 2001 to diligently prepare and seek a retroactive license after the discovery of the proscribed filing.

I do not believe that the subject matter of the Malaysian patent application, which is the subject of our Petition, was under a secrecy order at the time that the application was foreign filed in Malaysia. I do not believe that the subject matter of the Malaysian patent application, which is the subject matter of our Petition, is currently under a secrecy order. Nor do I believe that the foreign filing of the Malaysian patent application was or is detrimental to public safety or to the national interest or defense. I do not believe that the Malaysian patent

application discloses an invention within the scope of 35
U.S.C. § 181.

I declare that all statements made herein of my
own knowledge are true and all statements made on
information and belief are believed to be true; and further
willful false statements and the like so made are punishable
by fine or imprisonment, or both, under Section 1001 of
Title 18 of the United States Code.

Dated: 6/8/01


David Toma



FILE COPY

FISH & NEAVE

DAVID TOMA
DIRECT DIAL 212.596.9329
E-MAIL DTOMA@FISHNEAVE.COM

April 2, 2001

**VIA FACSIMILE;
CONFIRMATION VIA FEDEX**

Henry Goh & Co.
Suite 3.02, Level 3
AMODA Building
22, Jalan Imbi
55100 Kuala Lumpur
Malaysia

New Malaysian Patent Application Based on
US Application No. 60/194,799 and a US Application Filed on April 2, 2001
Your Ref.: PAT/MY/2001/074/DAW/sf
Our Ref.: ODS PROPERTIES, INC. (ODS/025)

Dear Sirs:

Please file a Convention application, claiming priority from the earlier U.S. applications as per the particulars below, and send us the filing receipt and one copy of the specification filed by you. Please confirm receipt of this letter by return facsimile.

TITLE

"SYSTEMS AND METHODS FOR PLACING PARIMUTUEL WAGERS ON FUTURE EVENTS"

APPLICANT

NAME : ODS PROPERTIES, INC.
ADDRESS : 12421 West Olympic Boulevard
Los Angeles, California 90064
U.S.A.

CORPORATION OF : The State of Delaware

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Henry Goh & Co.

April 2, 2001

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INVENTORS

NAME	:	Masood Garahi
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CITIZENSHIP	:	United States of America
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CITIZENSHIP	:	United States of America
NAME	:	Richard E. McNutt
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CITIZENSHIP	:	United States of America
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NAME	:	Douglas V. Ramsey
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CITIZENSHIP	:	United States of America
NAME	:	Eric F. Stimmel
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CITIZENSHIP	:	United States of America

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April 2, 2001

Page 3

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CITIZENSHIP	:	United States of America
NAME	:	William L. Thomas
ADDRESS	:	11611 South 70 th East Avenue Bixby, Oklahoma 74008 United States of America
CITIZENSHIP	:	United States of America

FIRST PRIORITY APPLICATION DATA

COUNTRY	:	United States of America
APPLICATION NO.	:	60/194,799
FILING DATE	:	April 5, 2000

SECOND PRIORITY APPLICATION DATA

COUNTRY	:	United States of America
APPLICATION NO.	:	Not Yet Known
FILING DATE	:	April 2, 2001

ASSIGNMENT INFORMATION FOR 60/194,799

ASSIGNOR	:	Masood Garahi
ASSIGNMENT DATE	:	March 23, 2001
ASSIGNOR	:	John R. Hindman
ASSIGNMENT DATE	:	March 20, 2001
ASSIGNOR	:	Connie T. Marshall
ASSIGNMENT DATE	:	March 20, 2001
ASSIGNOR	:	Richard E. McNutt
ASSIGNMENT DATE	:	March 20, 2001
ASSIGNOR	:	James D. Oldham
ASSIGNMENT DATE	:	March 22, 2001
ASSIGNOR	:	Douglas V. Ramsey
ASSIGNMENT DATE	:	March 19, 2001
ASSIGNOR	:	Eric F. Stimmel
ASSIGNMENT DATE	:	Not Yet Assigned
ASSIGNOR	:	Jay D. Thomas
ASSIGNMENT DATE	:	March 23, 2001
ASSIGNOR	:	William L. Thomas
ASSIGNMENT DATE	:	March 21, 2001

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Henry Goh & Co.

April 2, 2001

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ASSIGNEE : ODS Properties, Inc.
ASSIGNEE ADDRESS : 12421 West Olympic Boulevard
Los Angeles, California 90064
United States of America

CORPORATION OF : The State of Delaware

ASSIGNMENT INFORMATION FOR US APPLICATION FILED APRIL 2, 2001

ASSIGNOR : Masood Garahi
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : John R. Hindman
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : Connie T. Marshall
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : Richard E. McNutt
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : James D. Oldham
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : Douglas V. Ramsey
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : Eric F. Stimmel
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : Jay D. Thomas
ASSIGNMENT DATE : Not Yet Assigned
ASSIGNOR : William L. Thomas
ASSIGNMENT DATE : Not Yet Assigned

ASSIGNEE : ODS Properties, Inc.
ASSIGNEE ADDRESS : 12421 West Olympic Boulevard
Los Angeles, California 90064
United States of America

CORPORATION OF : The State of Delaware

PATENT OFFICE IN WHICH TO FILE

COUNTRY : Malaysia

MUST BE FILED BY : April 5, 2001

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Henry Goh & Co.

April 2, 2001

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DOCUMENTS	ENCLOSED	TO FOLLOW
SPECIFICATION, CLAIMS, AND ABSTRACT	X	
CERTIFIED PRIORITY DOCUMENTS		X
INFORMAL DRAWINGS	X	
FORMAL DRAWINGS		X
POWER OF ATTORNEY		X

Please let us know if you need additional information or materials.

Thank you for your assistance.

Very truly yours,



David Toma
Technical Advisor

DT/RAF:aws

Enclosures

Confirmation Report-Memory Send

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FAX COVER LETTER

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RECIPIENT: HENRY GOH & CO.

LOCATION: 55100 KUALA LUMPUR, MALAYSIA

TELECOPIER NUMBER: 011-(60-3) 2434062 or 2434063

THE SENDER IS: Mr. Andrew Shire

CLIENT NUMBER: 03079.225

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PLEASE ACKNOWLEDGE COMPLETE RECEIPT OF THIS TRANSMISSION BY SIGNING AND RETURNING THIS COVER SHEET TO US BY FAX:

Signed: _____ Date: _____

If not completely received, please call (212) 596-9300 as soon as possible.